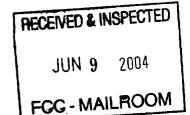
BENTON/LINN WIRELESS LLC

1005 West 4th Street Vinton, IA 52349 (319) 472-2701 FAX (319) 472-5238



June 7, 2004

MS. Marlene H. Dortch, Secretary Office of the Secretary Federal Communications Commission 445 12th Street SW Washington, DC 20554

Re: Benton/Linn Wireless

CC Docket No. 96-45

Petition for Waiver of Deadlines in 47 C.F. R. 54.307(c)

Dear Ms Dortch:

Enclosed are an original and four (4) copies of the above referenced Petition for Waiver Pursuant to Section 1.1105 of the Commission's rules, there is no filing fee associated with this request.

Benton/Linn Wireless request questions regarding this filing be directed to Mr. Burnie E. Snoddy, Telecommunications Consultant, Kiesling Associates LLP. He may be reached at telephone number 515-223-0159 or via e-mail at: bsnoddy@kiesling.com

Respectfully submitted,

Dennis Charipar

Benton/Linn Wireless, LLC

1005 West 4th Street

Vinton, IA 52349

319-472-2701

Enclosures

Original petition and four copies

No. of Copies rec'd 0+4

Before the FEDERAL COMMUNICATIONS C OMIS S I O N Washington, D.C. 20554 RECEIVED & INSPECTED

In re)		JUN 9 2004
Benton/Linn Wireless, LLC.))	CC Docket No 96-45	FCG - MAILROOM
Petition for Waiver of Deadline In 47 C.F.R. 54.307(c))		

Waiver - expedited action requested

PETITION OF BENTON/LINN WIRELESS, LLC FOR WAIVER OF DEADLINE IN 47 C.F.R 54.307(b)

Benton/Linn Wireless, pursuant to Section 1.3 and 1.925 of the Commission's Rules, Sec. C.F.R. 2.3, 47 C.F.R. 1.925, hereby petitions the Commission for waiver of the March 30, 2004 filing deadline for High Cost Loop, Local Switching Support, Long Term Support and Interstate Common Line Support reported data set forth in Section 54.54.307(c) of the Commission's rules and requests the Commission accept its March 30, 2004 High Cost Loop, Local Switching Support, Long Term Support and Interstate Common Line Support, hereafter referred to as High Cost Fund Support (HCF) Line Count data submissions as timely.

Benton/Linn Wireless, LLC is an Eligible Telecommunications Carrier ("ETC") in the state of Iowa, and is eligible to receive High Cost Fund Support and Interstate Access Support (IAS) as a Commercial Mobile Radio Service (CMRS). Benton/Linn Wireless operates as a CMRS provider with Study Area Code 359042. At the end of the first quarter of 2004, Benton/Linn filed with the Universal Service Administration Company (USAC), its High Cost Loop, Local Switching Support, and Long Term Support Line Counts, Interstate Common Line Support Form 507 and Interstate Access Support Line Count report in one envelope. It was mailed on March 30, 2004 and not received by USAC until March 31, 2004, beyond the required filing date of March 30, 2004 for all the High Cost Funds and Interstate Common Line Support, but within the required date for Interstate Access Support identified in Section 54.802(a), as the last business day of March, which in 2004 was March 31st. Subsequently, Benton/Linn Wireless is considered as ineligible for High Cost Fund Support payments for the Second Quarter of 2004.

On or before May 17, 2004, Benton/Linn Wireless determined they had not received their full payment for High Cost Fund Support filing and after verifying its status with Universal Service Administration Company, was informed its first quarter filing was not received by the filing date. As a result Benton/Linn Wireless would be ineligible for HCF for the Second Quarter of 2004. Benton/Linn Wireless is submitting this filing to request a waiver of the filing deadline to receive their 2004 High Cost Funds Support.

Benton/Linn Wireless understands very well the extreme importance of timely data and certification filings by all ETCs, and regrets the delay in its receipt of its filing at USAC. Benton/Linn Wireless has previously sent its report via US Mail and had not experienced any previous delay. In retrospect it is apparent that there were some factors Benton/Linn Wireless did not allow for. Benton/Linn was in the process of relocating its offices from Shellsburg, Iowa to Vinton, Iowa. During the relocation process the timely filing was delayed due to records being physically located in moving cartons enroute to the new location and the administrative staff not able to get access the filing to be sent to USAC. While Benton/Linn fully understands the need to file on a timely basis, the filing was inadvertly placed in a carton for which it was unable to retrieve until the records were delivered to the new location. Upon receiving its records, Benton/Linn immediately processed sending the filing to USAC. One other item impacting the filing on a timely basis, was the difference between the filing dates of High Cost Funds and Interstate Access Support. According to FCC rules Section 54.307(c)(4) the High Cost filing is due March 30th and Section 54.802(a), the Interstate Access Support is due the last business day of March, which would have been March 31, 2004. Benton/Linn's administrative staff sent the filing in an expedited manner to assure timely delivery, but had not identified the difference in the filing deadlines. Benton/Linn Wireless is a CMRS providing local service to over 4,000 customers in its rural service area of Benton and Linn County, Iowa and has substantial investment in facilities to provide competitive service to its customers in the community in its rural service area. With the exception of the First Quarter of 2004, Benton/Linn Wireless has always met the required filing timetable. Benton/Linn Wireless fully accepts responsibility for the late receipt of its filing by USAC and for future filing will send its reports in a manner providing expedited and verified delivery to USAC.

After discussing this matter with USAC, USAC advised Benton/Linn Wireless to file this petition for waiver as a course to maintain its universal service revenue, a deadline waiver would be necessary for support payments to be distributed based on the line count report delivered to USAC in March 2004.

The Universal Service Support for Benton/Linn Wireless is approximately \$33,000 per month, which represents a significant part of Benton/Linn Wireless operating income and as such denotes the level and quality of service Benton/Linn Wireless can provide its approximately 4,000 rural customers. Not receiving the High Cost Funds will adversely influence Benton/Linn Wireless ability to maintain the quality of service to the its customers which is expected by both the Federal Communications Commission and the lowa Utilities Board. Benton/Linn Wireless operating as a rural telecommunications provider operates on very close margins in order to provide the quality of service its customers deserve.

REQUEST FOR WAIVER

Benton/Linn Wireless understands very well the extreme importance of timely data and certification filings by all ETCs, and regrets its' USAC First Quarter 2004 delinquent receipt of its line count data. As explained preceding, Benton/Linn Wireless did not allow for the exceptions, which affected the delivery of its filing using US Mail. Benton/Linn Wireless now understands it should send future reports allowing for any exceptions affecting delivery of its filing and will send future filing with additional time allowed and will send in a manner which provides for verification of timely receipt. In addition, Benton/Linn has implemented a tracking system to assure timely filing, including use of an outside firm to monitor its meeting future filing requirements.

Section 1.3 of the Commission's rules provides the Commission with discretion to waive application of any of its rules upon showing of good cause. In addition, Section 1.925(b)(3) provides for waiver where it is shown that:

- (i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that grant of a waiver would be in the public interest, or in view of unique or unusual factual circumstances of the instant case, application of the rules would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.
- (ii) Benton/Linn Wireless takes no issue with the reasonableness of the Commission's rules requiring timely data submissions by ETCs, and recognizes the importance of compliance with these rules. Benton/Linn Wireless contends the purpose of these rules, however, is to ensure the Commission and USAC are able to properly project, collect, and distribute all universal service mechanisms in a timely and accurate manner. Given Benton/Linn Wireless has already submitted the HCF and IAS line count reports to USAC, the lateness should not have unduly hindered USAC's administrative functions.

Because Benton/Linn Wireless took immediate action upon notification of its delinquent filing, Benton/Linn Wireless contends an interruption of its HCF support for an entire quarter would frustrate the purpose of the Universal Service Support rules, and would not serve the public interest. Benton/Linn Wireless has been approved for ETC status by the Iowa Utilities Board (IUB) and proper use of the support provided has been certified by Benton/Linn Wireless with the Commission, USAC, and the IUB. While denial of projected High Cost Fund Support and Interstate Access Support during the second quarter of 2004 due to a filing error, an error immediately acted on upon discovery, it would not be in the public interest for the reason stated above. Benton/Linn Wireless feels it has shown good cause for waiver of this filing deadline under Section 1.3 of the Commission's rules, as well as justification for such a waiver at the Commission's discretion under Section 1.925(b)(3). The waiver would serve the public interest by allowing Benton/Linn Wireless to receive uninterrupted Universal Service Support for its ETC offering. Expedited action is requested so USAC may accept Benton/Linn Wireless' First Quarter 2004 High Cost Fund Line Count data as timely, allowing the data included in these filings to be incorporated into USAC's 2004 projections and support payments, and allowing Benton/Linn Wireless to receive uninterrupted HCF support.

Respectfully submitted,

Dennis Charipar Manager Benton/Linn Wireless 1005 West 4th Street Vinton, IA 52349

319-472-2701

STATE OF IOWA

DEPARTMENT OF COMMERCE

UTILITIES BOARD

IN RE:

IOWA WIRELESS SERVICES L.P. AND ASSOCIATED COMPANIES

DOCKET NO. 199 IAC 39.2(4)

ORDER DESIGNATING ELIGIBLE CARRIERS

(Issued April 26, 2002)

On March 18, 2002, Iowa Wireless Services L.P. (Iowa Wireless) filed with the Utilities Board (Board) a joint application for universal service eligible carrier status in Iowa on behalf of Iowa Wireless and 19 associated companies. On March 27, 2002, Iowa Wireless filed an amended application adding two additional associated companies to the joint application. Iowa Wireless asks that the Board designate Iowa Wireless and its 21 associated companies as eligible telecommunications carriers pursuant to 199 IAC 39.2(4). No objections have been filed regarding the joint application.

Board rule 39.2 provides a means by which the Board can designate Iowa telecommunications companies to be eligible to receive funding from the universal service fund, as defined by the Telecommunications Act of 1996, 47 U.S.C. § 254. Under the Act (and Federal Communications Commission (FCC) regulations implementing the Act), the Board must determine that a carrier meets the following

DOCKET NO. 199 IAC 39.2(4) PAGE 2

service requirements before it may be designated an eligible carrier as set forth in rule 39.2(4):

- Offer the services supported by the federal universal service fund:
- 2) Offer the service using its own facilities or a combination of its own facilities and resale (47 C.F.R. § 54.201(c) provides that "own facilities" includes purchased unbundled network elements).
 - 3) Advertise the availability of the supported services; and
 - 4) Offer the services throughout the designated service area.

An eligible telecommunications carrier (ETC) must also offer a minimum amount of local exchange service, defined in usage minutes, provided with no additional charge to customers. See FCC 98-272, October 26, 1998. See also 199 IAC 39.2(1)"b." The FCC has not yet quantified a minimum amount of local usage required to be included in a universal service offering, but has initiated a separate rule making proceeding to address this issue. Id. Any minimum local usage requirements established by the FCC as a result of that rule making would be applicable to all designated ETCs. The Board understands that lowa Wireless and its associated companies will comply with any and all minimum local usage requirements adopted by the FCC. The Board also understands that until the FCC establishes a minimum requirement, lowa Wireless and its associated companies will offer at least one universal service offering with unlimited local calling in their respective universal service offerings.

In their request for designation, Iowa Wireless and its associated companies state that they satisfy each of these named requirements. Based upon those unopposed representations and each of the companies' commitments to follow the minimum local usage requirements when adopted by the FCC, the Board finds that lowa Wireless and its associated companies offer the services supported by the federal universal service fund, using their own facilities or a combination of their own facilities and resale of the facilities of another carrier. The Board finds that Iowa Wireless and its associated companies advertise and offer the services throughout their service areas as described in Attachment "B," which will be their designated service areas for purposes of the universal service fund. The Board finds these commitments by Iowa Wireless and the 21 associated companies are adequate to assure that public interest concerns will be satisfied.

The Board appreciates Iowa Wireless including all of these requests in one joint application for eligible carrier status. However, pursuant to a recent federal mandate, each of the associated companies will be required to file, individually, with the Board by September 10, 2002, the certifications regarding use of universal service funds. These filings will be pursuant to the Board's proposed rule 199 IAC 22.2(7), as described in Docket No. RMU-01-14.

IT IS THEREFORE ORDERED:

- 1. Eligible telecommunications carrier status is granted to lowa Wireless Services L.P. and the following 21 associated companies as requested in the joint application and amendment, filed March 18 and March 27, 2002, respectively, subject to the voluntary commitments regarding the local usage requirement as described in the body of this order:
 - a) Cooperative Telephone Company
 - b) MAC Wireless, LLC
 - c) South Slope Cooperative Telephone Company
 - d) Olin Telephone Company Inc.
 - e) CST Communications
 - f) Montezuma Mutual Telephone Co.
 - g) Mill Valley Wireless
 - h) PST Digital, LLC
 - i) East Buchanan Telephone Cooperative
 - j) KCTC PCS
 - k) Sharon Telephone Company
 - I) Wellman Cooperative Telephone Association
 - m) WTC Communications Inc.
 - n) Wapsi Wireless, LLC
 - o) Benton/Linn Wireless LLC
 - p) Southeast Wireless Inc.

DOCKET NO. 199 IAC 39.2(4) PAGE 5

- q) Northeast Iowa Telephone Company
- r) Community Digital Wireless
- s) South East Iowa Wireless L.L.C.
- t) Cedar County PCS, L.L.C.
- u) Brooklyn Mutual Telephone Co.

The designated service areas for Iowa Wireless Services L.P. and its associated companies shall be the service territories documented in Attachment "B" of the joint application attached to and incorporated by reference in this order.

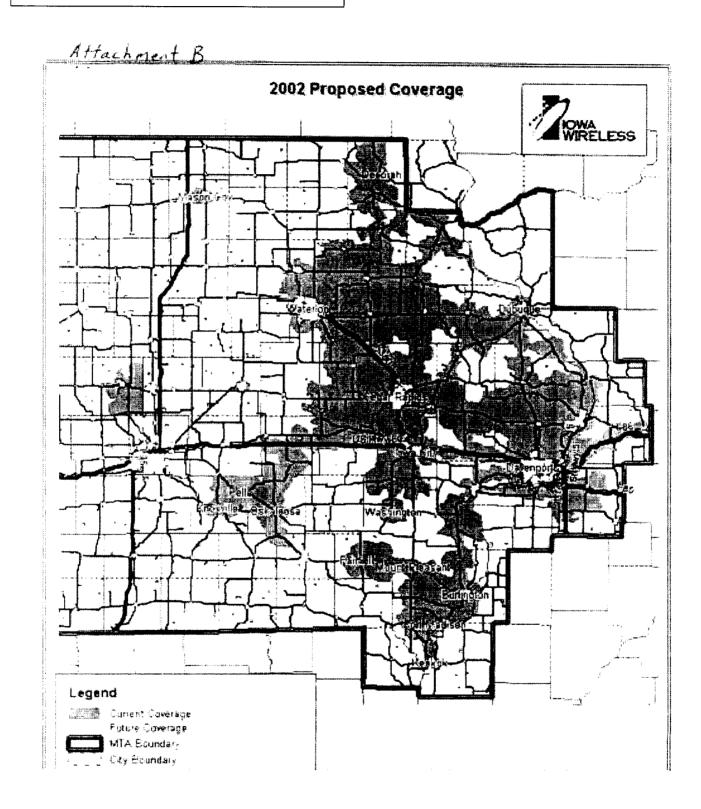
2. The Executive Secretary of the Utilities Board shall mail copies of this order to Iowa Wireless Services, Inc., the named associated companies, the Universal Service Administration Company, the Federal Communications Commission Universal Service Branch, and the Federal Communications Commission Office of the Secretary.

UTILITIES BOARD

	/s/ Diane Munns
ATTEST:	/s/ Mark O. Lambert
/s/ Judi K. Cooper Executive Secretary	/s/ Elliott Smith

Dated at Des Moines, Iowa, this 26th day of April, 2002.

Attachment B



Attachment B

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Manner.	7	Distribution	ec co	Compared the control of the bound of the provider of the control o
+1,20,211	<u>«</u>	100	505	作等的 法指摘的指摘用的现象 "在特什么是我们是我们要有人,并们是我们的
10年	ĸ	Johnson	£35	1.7. 接近 等年 是了男子 國子教授的法
** tapean charps	t.	Apartman	45.4	(1) 自由等。例如此是公司的基础的是公司的。 与对心下公司。其他公司的经济、企业企业的、企业企业的、企业、企业、企业、企业、企业、企业、企业、企业、企业、企业、企业、企业、企业、
White Early	S	Designation,	3 39	では、 は、 は
(Ansautho	Á	Hramar	æ	のでは、
Jesus	ā	Euchange	£38	では、 後期である。 「其人 ・ に関係による ・
T. September 1	s	Washington	5385	まるよどとなっている。 (1) 11 11 11 11 11 11 11 11 11 11 11 11 1
Heystone	ď.	Denton	933	「いい」 解析の表現 (1944年 1874年 1874年 1874年 1875年
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Lamoni	4	הערגויסטט	£	SELECTION SECURITIES AND MAKE SCALE SECURITIES AND
を (で (で (で (で)	द	SQ44	Z	東京の大学の大学 - 1985年 1987年 - 1985年 - 198
L. exglitters	4	Mathania	e e	CENSOR TEXASSISTEMEN SYNCE CARA LONG THEMSE THEMSE
- A	ž	Louisa	Ø	SUMMA THE ACCOUNTS LIKE TOWN SHERKSTONE
Lisban	4	Lina	ğ	TOWN THE STOCK SPECIAL DAY TONIACTOR - STOCKED
Lockridge	š	Markerson.	3	受害的な場合に関わり、大学など、「産業化」、なりなどが、生産をはは、政策を持つなどのない。
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Lost Nation	₹.	Clinton	3	LABRY MATTERS NITHONING TRANSPORTING (TO.)
Low Moor	<u> </u>	Chritton	3	COMMAND THE LEGISLAND STATES TOWN TOWN THE PROPERTY AND THE PROPERTY OF THE PR
Lowden	£	Cedar	Z	TOWN TRIMINERS INCO THE THAT TRIMINE STATISHES
Luare	<u>*</u>	Clayton	635	ので、大学のでは、1980年には、198
Lither	<u>={</u>	Pogra	635	元化,
- 11.00mg	<u>*</u>	Berton	635	CONTRACT CONTRACT COURSE CONTRACT CONTR
Macret	₫	Boork	153	「
Marchester	<u>.</u> ⊑	Delaware	63.5	・ 「
Macucketa	<u> </u>	CONTROL	14 (2)	位于1000年,100
Marengo	<u>~</u>	6wg	635	SELECTION SECURITY SERVICE SERVICE SERVICES SERV
Martin	<u> </u>	. T. T.	635	一行の特別の「教育教育の行政的関係とは多の政策」と、経過的に対し、日本の政策を表示して、日本の政策と、対応に
Périete	¥	(1)	635	MASS TRILLER, STOCKHOWN STATISTICS BARREN BARREN BATRAN
Publication of the	<u>≠[</u>	Delarate	635	THE RESIDENCE AND ASSESSMENT ASSE
Maynad	<u>*1</u>	京は見る」	636	10.0000000 (10.0000000000000000000000000

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Acchange of	3	Cecar	635	「Table 」「我們我們你們們們們們們們們們們們們們們們們們們們們們們們們們們們們們們們們們
**********	É	Co. Mores	634	「おり、京美川議会・東京の選が、 神神、ひが神寺では諸曹
Canada Canada	Š	Exs Mares	13E	· · · · · · · · · · · · · · · · · · ·
AS Kes	Ą	Jackson	634	新疆的人生,以外,当时的一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个
Maron	S	Clayter	283	(A)
SAN WERE THE	4,	Puretovite	632	4.17.3 一卷100 100 800 年下于中华,一次第六年,2018年12月,1008年12月,1008年12月
Morticolic	4	P. Contract	17 19	"情性是我一些其其心的有意之中是在我一个一次是一种特殊的人最近是我们,不是有意思,我们
Mayarea	¥	Lan	4834	是是我们的"我的,他是这样,我还是一个我们的时,我是我们是他们的时候,他是这个人
Morey	4	Janes	535	. A. 1. 2. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.
Mount Processmi	ĸ.	المصروب	న నిభ	を見れている。 を実力で、する。 OSCAS - 本書文文本 に最大 を見つし
Meant Vernor	Ž.	2	535	「中国の後、大学の社の対象を大学の後の一般ないないないなどのできませい。 おきはましない
Muscathe	<	Muscaline	531	"好了经验,先往前时分解案方形地位是一一,将案位前所进行"种属企图图图》行,行的"赢多",经营
/wew Londen	×.	Heiliy	150	Since
Presy Stranon	Z.	Managea	53.5	· 安正部川の近か - 本計画の開始 はまびに「夜春灯 明日年間 東京岩田の神社 現在では
New roll	ž.	Page than	635	- 「松田田 「「「大田田田田田田田田田田田田田田田田田田田田田田田田田田田田田田田
Pageth Citterity	<u> </u>	Johnson	635	如此的特殊。(1) 10 10 10 10 10 10 10 10 10 10 10 10 10
Norway	4	Paretra	£35	《 1986年 · 《 1997年 · 1988年 · 1
Oswer	<u>×</u>	Fayere	535	17、12年の「大学会社の対象を持つのです」「「中国の対象の対象などのなる情報を行う」の形象を「小田」
ě	₹.	Sein ation	635	(1) 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.
Oweda	<u>.</u>	Delivere	635	COMME TRANSPORME AND MENT THRESTORY MANNETS
Cakabosaa	<u>.</u>	history combine	623	17.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.
OK.W.	₹	Windeshak	635	東の東、京都の国際本教を選出、東京の南京の日本をの記者というというます。
Osfesd	<u></u>	Lishnison	635	2.2. 10.1. 1.1. 1.1. 1.1. 1.1. 1.1. 1.1.
्रह	*1	רַ וּשׁ	23	の場合には、100mの対象を対象を表現し難しませれる。 第12 man (100mの対象を対象を対象を対象を対象を対象を対象を対象を対象を対象を対象を対象を対象を対
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Park View	4	Scott	3	《新聞報》 1855年 1955年 (1955年)
Fest	<u><</u>	Merch	632	注号单套,等是非常气光 弹器 。 "是他们。"《卷线》,"女好家,"如此去最近了一种
Penda	4	Orbitale	634	THE RESIDENCE COMPANIES AND LEGISLES. TRAINED TO SERVICE STREET
Prainaburg	\$	Linn	833	「大学」「大学」経験が発展が同様に、企業を選択では「大学など
Preston	3	Jackson	23	PARADISK TRIJACHKAR (%).
Princeton	፭	Scott	634	2. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.
Orasdocton	F	Huchana	636	に対す、自然に対象がある。 するにまながるとは、このなどを表現をよっておい。
Randaka	셤	Fayette	635	LEVER THE MENT WAS DELICE ONE TOWN THE BOLLS
正常ないのか	4	Elack Hawk	83	10.
Headtyn	Ā	HIGH	£35	SEMELTY TREETHOME CO.

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Wellman	IA	Washington	635	WELLHAR COOPERNIEVE TELEPHONE ASSOCIATION
Wellon	IA	Clinton	634	TOTAL WING TOTAL FOR THE STATE TOTAL SURFACE MOST TOTAL SUPERIOR STATES
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West Point	IA	Lee	634	trimes TELECOMM STORE DATA TOMA TELECOM
West Union	IA	Fayette	635	tes weet elementalications dentineering bold.
Wheatland	IA	Climton	634	PARMERS & BURELERSENSE TELEPHINE (X).
Westwood	IA	Henry	634	ETHNA TELLECTRUM STACS THA LUMA TREARCTM
Winthrop	IA	Buchanan	635	RAST DECHARAGE TELEPRIFE COOPERATIVE
Worthington	IA	Dobuque	634	LONG THISCOMM GROUS DEG FORM TELECOM SORTH
Zwingle	IA	Jackson	634	北京 网络生物学 学校长级科技的研究 小沙头

ATTACHMENT B

2003 Future	Coverage		
City	State	County Lata	Ocname
Chelsea	IA	Tama	632 IOWA TELECOMM SVCS DBA IOWA TELECOM NORTH
Garwin	IA	Tama	632 IOWA TELECOMM SVCS DBA LOWA TELECOM - NORTH
Houghton	IA	Lee	634 TOWA TELECOMM SVCS DRA TOWA TELECOM
Le Grand	IA	Marshali	632 IOWA TELECOMM SVCS DBA IOWA TELECOM - NORTH
Libertyville	IA	Jefferson	632 IOWA TELECOMM SVCS DBA IOWA TELECOM
Marquette	IA	Clayton	635 ALPINE COMMUNICATIONS, L.C.
Marshalltow∩	IA	Marshall	632 US WEST COMMUNICATIONS - NORTHWESTERN BELL
Mason City	ΙA	Cerro Gordo	632 us west communications - northwestern belil
McGregor	lA	Clayton	635 ALPINE COMMUNICATIONS, L.C.
Melbourne	łA	Marshall	632 IOWA TELECOMM SVCS DBA IOWA TELECOM - NORTH
Montour	IA	Tama	632 TOWA TELECOMM SVCS DBA TOWA TELECOM - NORTH
Postville	IA	Allamakee	635 POSTVILLE TELEPHONE CO. DBA PTI COMMUNICATIONS
Rhodes	IA	Marshall	632 IOWA TELECOMM SVCS DRA TOWA TELECOM - NORTH
Salem	IA	Henry	634 IOWA TELECONN SVCS DBA IOWA TELECOM
State Center	lΑ	Marshall	632 IOWA TELECOMM SVCS DBA IOWA TELECOM - NORTH
Tama	IA	Tama	632 IOWA TELECOMM SVCS DBA IOWA TELECOM - NORTH
Toledo	IA	Tama	632 IOWA TELECOMM SVCS OBA IOWA TELECOM - NORTH
Traer	IA	Tama	635 IOWA TELECOMM SVCS DBA IOWA TELECOM - NORTH
Vining	!A	Tama	632 10WA TELECOMM SVCS DBA 10WA TELECOM - NORTH